

UNITED STATES DISTRICT COURT
DISTRICT OF PUERTO RICO

MILAGROS GUARDARRAMA, et al.,

Plaintiffs,

v.

CARIBBEAN RETAIL VENTURE,
et al.,

Defendants.

Civil No. 05-1055 (JAF)

O R D E R

Plaintiffs, Milagros Guardarrama ("Guardarrama"), her husband, and their conjugal partnership, bring the present action against Defendants, Caribbean Retail Ventures, Inc. ("CRV"), and Piben Imports, Inc. ("Piben"), alleging a deprivation of Plaintiffs' rights under Title VII of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000e to 2000e-17 (2003), and under various Puerto Rico antidiscrimination statutes. Docket Document No. 1.

Defendants moved for summary judgment on September 29, 2005, arguing that neither CRV nor Piben was Guardarrama's employer. Docket Document No. 11. Plaintiffs submitted an opposition on October 25, 2005. Docket Document 20. Defendants tendered a reply to Plaintiffs' opposition on November 3, 2005. Docket Document 24.

The scheduling order in this case set September 6, 2005, as the filing date for all dispositive motions. The scheduling order added that "[i]f a given issue is mature for summary disposition, we expect

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1 the parties to file the Fed. R. Civ. P. 56 motion as soon as the
2 issue ripens." Docket Document No. 7.

3 Defendants' filing not only missed the explicit scheduling order
4 deadline, but ignored our instruction that dispositive motions be
5 made as they ripen. The Defendants' argument - that they are not
6 Guardarrama's true employers - was obvious to them and, therefore,
7 ripe for dispositive motion from the very first day this lawsuit was
8 filed.

9 Defendants' motion for summary judgment, Docket Document No. 11,
10 is **DENIED**. The fact-intensive question as to who is Guardarrama's
11 true employer remains for the jury to decide when trial commences as
12 scheduled on **November 28, 2005.**

13 **IT IS SO ORDERED.**

14 San Juan, Puerto Rico, this 17th day of November, 2005.

15 S/José Antonio Fusté
16 JOSE ANTONIO FUSTE
17 Chief U. S. District Judge